

**ASSEMBLY BILL**

**No. 1688**

---

**Introduced by Assembly Member Conway**

February 13, 2014

---

An act to add Part 3 (commencing with Section 4499.01) to Division 4.1 of the Welfare and Institutions Code, relating to developmental centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1688, as introduced, Conway. Developmental centers: crime.

Existing law requires, upon the filing of a claim for reimbursement, a city, county, or superior court to be reimbursed for reasonable and necessary costs connected with state prisons or prisoners in connection with certain circumstances, including with any crime committed in a prison, with any hearing on any return of a writ of habeas corpus prosecuted by or on behalf of a prisoner, or with any costs incurred by a coroner in connection with the death of a prisoner.

This bill would similarly require that, upon the filing of a claim for reimbursement, a city, county, or superior court be reimbursed for reasonable and necessary costs connected with developmental centers or residence of a developmental center in connection with specified circumstances, including with any crime committed at a developmental center, with any hearing on return of a writ of habeas corpus prosecuted by or on behalf of a resident, or with any costs incurred by a coroner in connection with the death of a resident.

Existing law requires a developmental center to immediately, but no later than within 2 hours of the developmental center observing, obtaining knowledge of, or suspecting abuse, report certain incidents involving a resident to the local law enforcement agency having

jurisdiction over the city or county in which the developmental center is located. Existing law provides that this reporting requirement does not prevent a developmental center from reporting any other criminal act constituting a danger to the health or safety of the residents of the developmental center to the local law enforcement agency.

This bill would require a local law enforcement agency having jurisdiction over the city or county in which the developmental center is located to respond within 24 hours of receiving an allegation that a crime has occurred at the developmental center. By imposing new duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Part 3 (commencing with Section 4499.01) is  
2 added to Division 4.1 of the Welfare and Institutions Code, to read:

3  
4 PART 3. CRIME IN DEVELOPMENTAL CENTERS

5  
6 CHAPTER 1. REIMBURSEMENT OF LOCAL EXPENSES

7  
8 4499.01. A city, county, or superior court shall be reimbursed  
9 for reasonable and necessary costs related to the operation of  
10 developmental centers or residents of a developmental center in  
11 connection with any of the following:

12 (a) Any crime committed at a developmental center, whether  
13 by a resident, employee, or other person.

14 (b) Any hearing on any return of a writ of habeas corpus  
15 prosecuted by or on behalf of a resident.

16 (c) Any trial or hearing on the question of the sanity of a  
17 resident.

1 (d) Any costs incurred by a coroner in connection with the death  
2 of a resident.

3 (e) Any costs incurred in transporting a resident within the host  
4 county or as requested by the developmental center or incurred  
5 for increased security while a resident is outside a developmental  
6 center.

7 (f) No city, county, or other jurisdiction may file, and the state  
8 may not reimburse, a claim pursuant to this section that is presented  
9 to the department or to any other agency or department of the state  
10 more than six months after the close of the month in which the  
11 costs were incurred.

12 4499.05. Costs incurred by a city or county include all of the  
13 following:

14 (a) Costs of law enforcement agencies in connection with any  
15 matter set forth in Section 4499.01, including the investigation or  
16 evaluation of any of those matters regardless of whether a crime  
17 has in fact occurred, a hearing held, or an offense prosecuted.

18 (b) Costs of participation in any trial or hearing of any matter  
19 set forth in Section 4499.01, including costs for the preparation  
20 for the trial, pretrial hearing, actual trial or hearing, expert witness  
21 fees, the costs of guarding or keeping the resident, the  
22 transportation of the resident, the costs of appeal, and the execution  
23 of the sentence. The cost of detention in a city or county  
24 correctional facility shall include the same cost factors as are  
25 utilized by the Department of Corrections and Rehabilitation in  
26 determining the cost of prisoner care in state correctional facilities.

27 (c) The costs of the prosecuting attorney in investigating,  
28 evaluating, or prosecuting cases related to any matter set forth in  
29 Section 4499.01, whether or not the prosecuting attorney decides  
30 to commence legal action.

31 (d) Costs incurred by the public defender or court-appointed  
32 attorney with respect to any matter set forth in Section 4499.01.

33 (e) Any costs incurred for providing training in the investigation  
34 or prosecution associated with any matter set forth in Section  
35 4499.01.

36 (f) Any other costs reasonably incurred by a county in  
37 connection with any matter set forth in Section 4499.01.

38 4499.10. Costs incurred by a superior court include all of the  
39 following:

1 (a) Costs of any trial or hearing of any matter set forth in Section  
2 4499.01, including costs for the preparation of the trial, pretrial  
3 hearing, and the actual trial or hearing.

4 (b) Any other costs reasonably incurred by a superior court in  
5 connection with any matter set forth in Section 4499.01.

6 4499.15. As used in this chapter, reasonable and necessary  
7 costs shall be based upon all operating costs, including the cost of  
8 elected officials, except superior court judges, while serving in  
9 line functions and including all administrative costs associated  
10 with providing the necessary services and securing reimbursement  
11 for those costs. Administrative costs include a proportional  
12 allowance for overhead determined in accordance with current  
13 accounting practices.

14 4499.20. (a) A city or county shall designate an officer or  
15 agency to prepare a statement of costs that shall be reimbursed  
16 under this chapter.

17 (b) The statement shall be sent to the Controller for approval.  
18 The statement may not include any costs that are incurred by a  
19 superior court, as described in Section 4499.10. The Controller  
20 shall reimburse the city or county within 60 days after receipt of  
21 the statement or provide a written statement as to the reason for  
22 not making reimbursement at that time. If sufficient funds are not  
23 available, the Controller shall request the Director of Finance to  
24 include any amounts necessary to satisfy the claims in a request  
25 for a deficiency appropriation.

26 4499.25. A superior court shall prepare a statement of costs  
27 that shall be reimbursed under this chapter. The state may not  
28 include any costs that are incurred by a city or county, as described  
29 in Section 4499.05. The statement shall be sent to the  
30 Administrative Office of the Courts for approval and  
31 reimbursement.

## 32 CHAPTER 2. RESPONSE OF LOCAL LAW ENFORCEMENT

33  
34 4499.50. A local law enforcement agency having jurisdiction  
35 over the city or county in which the developmental center is located  
36 shall respond within 24 hours of receiving an allegation that a  
37 crime has occurred at the developmental center.

38 SEC. 2. If the Commission on State Mandates determines that  
39 this act contains costs mandated by the state, reimbursement to  
40

1 local agencies and school districts for those costs shall be made  
2 pursuant to Part 7 (commencing with Section 17500) of Division  
3 4 of Title 2 of the Government Code.

O